

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES, et al.,)
)
Plaintiffs,)
v.) No. 1:23-cv-00108-LMB-JFA
)
GOOGLE LLC,)
)
Defendant.)

**JOINT MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTIONS TO SEAL
EXHIBITS FOR BRIEFING ON SUMMARY JUDGMENT AND MOTIONS TO
EXCLUDE EXPERT TESTIMONY**

1. On April 26, 2024, Plaintiffs filed motions to exclude testimony of two of Google's expert witnesses. ECF Nos. 587, 609. On that same date, Google filed a motion for summary judgment and motions to exclude testimony of three of Plaintiffs' expert witnesses. ECF Nos. 569, 572, 575, 578.

2. All of these filings were accompanied by requests to maintain material under seal. With respect to a significant amount of the material submitted under seal, the parties' basis for sealing is that another party (or non-party) has designated the material as "confidential" or "highly confidential" under the operative protective order in this action, *see* E.D. Va. L.R. 5(C) (setting forth procedures for filing materials where a non-filing party or non-party has designated the material as confidential). ECF Nos. 592-93, 605-06, 612, 617.

3. Pursuant to Local Rule 5, the parties' (and any interested non-parties') responses to these motions to seal are due on May 3, 2024. In those responses, Plaintiffs, Google, and any interested non-parties will be required to set forth a basis for continued sealing of material that they originally designated as confidential or highly confidential under the Modified Protective Order.

4. The parties respectfully request an extension until **June 7, 2024**, of the response deadline for all responses to motions to seal associated with Google's motion for summary judgment and the parties' total of five motions to exclude expert witness testimony, as well as the associated opposition briefs and replies.

5. The additional time to respond to these motions to seal will provide two key benefits: (1) The parties and interested non-parties will have sufficient time to ensure that their requests for continued sealing are as narrowly tailored as possible, facilitating the maximum amount of information ultimately being available on the public docket; and (2) a single response deadline of June 7, 2024, will allow the parties to file consolidated responses to multiple motions to seal, contributing to fewer total filings and a more streamlined docket.

6. The parties submit that good cause exists to grant this extension, as the parties have proceeded diligently in this matter, no party will be prejudiced by the requested relief, and the requested relief will not affect any other deadlines in this case. *See generally Roe v. Howard*, No. 1:16-cv-562, 2017 U.S. Dist. LEXIS 187258, *1-2 (E.D. Va. June 30, 2017).

7. The parties have met and conferred regarding the relief requested herein, and both Plaintiffs and Google join in this motion.

Dated: April 30, 2024

Respectfully submitted,

FOR THE PLAINTIFFS:

JESSICA D. ABER
United States Attorney

/s/ Gerard Mene
GERARD MENE
Assistant U.S. Attorney
2100 Jamieson Avenue
Alexandria, VA 22314
Telephone: (703) 299-3777
Facsimile: (703) 299-3983
Email: Gerard.Mene@usdoj.gov

/s/ Julia Tarver Wood
JULIA TARVER WOOD
/s/ Aaron M. Teitelbaum
AARON M. TEITELBAUM

United States Department of Justice
Antitrust Division
450 Fifth Street NW, Suite 7100
Washington, DC 20530
Telephone: (202) 307-0077
Fax: (202) 616-8544
Email: Julia.Tarver.Wood@usdoj.gov

Attorneys for the United States

JASON S. MIYARES
Attorney General of Virginia

/s/ Tyler T. Henry
STEVEN G. POPPS
Deputy Attorney General
TYLER T. HENRY
Assistant Attorney General

Office of the Attorney General of Virginia
202 North Ninth Street
Richmond, VA 23219
Telephone: (804) 692-0485
Facsimile: (804) 786-0122
Email: thenry@oag.state.va.us

Attorneys for the Commonwealth of Virginia and local counsel for the States of Arizona, California, Colorado, Connecticut, Illinois, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Tennessee, Washington, and West Virginia

FOR DEFENDANT:

Eric Mahr (*pro hac vice*)
Andrew Ewalt (*pro hac vice*)
Julie Elmer (*pro hac vice*)
Lauren Kaplin (*pro hac vice*)
Scott A. Eisman (*pro hac vice*)
Jeanette Bayoumi (*pro hac vice*)
Claire Leonard (*pro hac vice*)
Sara Salem (*pro hac vice*)
Tyler Garrett (VSB # 94759)
FRESHFIELDS BRUCKHAUS
DERINGER US LLP
700 13th Street, NW, 10th Floor
Washington, DC 20005
Telephone: (202) 777-4500
Facsimile: (202) 777-4555
eric.mahr@freshfields.com

Daniel Bitton (*pro hac vice*)
AXINN, VELTROP & HARKRIDER LLP
55 2nd Street
San Francisco, CA 94105
Telephone: (415) 490-2000
Facsimile: (415) 490-2001
dbitton@axinn.com

Bradley Justus (VSB # 80533)
AXINN, VELTROP & HARKRIDER LLP
1901 L Street, NW
Washington, DC 20036
Telephone: (202) 912-4700
Facsimile: (202) 912-4701
bjustus@axinn.com

/s/ Craig C. Reilly
Craig C. Reilly (VSB # 20942)
THE LAW OFFICE OF
CRAIG C. REILLY, ESQ.
209 Madison Street, Suite 501
Alexandria, VA 22314
Telephone: (703) 549-5354
Facsimile: (703) 549-5355
craig.reilly@ccreillylaw.com

Karen L. Dunn (*pro hac vice*)
Jeannie S. Rhee (*pro hac vice*)
William A. Isaacson (*pro hac vice*)
Amy J. Mauser (*pro hac vice*)
Martha L. Goodman (*pro hac vice*)
Bryon P. Becker (VSB #93384)
Erica Spevack (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
2001 K Street, NW
Washington, DC 20006-1047
Telephone: (202) 223-7300
Facsimile (202) 223-7420
kdunn@paulweiss.com

Meredith Dearborn (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
535 Mission Street, 24th Floor
San Francisco, CA 94105
Telephone: (628) 432-5100
Facsimile: (202) 330-5908
mdearborn@paulweiss.com

Erin J. Morgan (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: (212) 373-3387
Facsimile: (212) 492-0387
ejmorgan@paulweiss.com

Counsel for Defendant Google LLC